

## **ACT 250 and TRAILS QUESTIONS FOR COMMENT**

*Thank you for taking the time to complete this survey. Please only fill out **one survey** for your organization.*

*Act 250, Vermont's land Use and development law, was passed in 1970 to mitigate the effects of certain developments and subdivisions through a permitting process that addresses the environmental and community impacts of projects that exceed a certain threshold. Currently, recreational trails may be subject to Act 250 and a variety of permits issued by the Department of Environmental Conservation.*

*With respect to Act 250 only, the threshold for jurisdiction (meaning that a project will need an Act 250 permit) depends on certain factors:*

- 1) If the proposed trail is part of the Vermont Trail System, the key question is how much ground disturbance will occur as part of the project (10 acres of disturbance or more is the threshold)*
- 2) If the proposed trail is not part of the Vermont Trails System, jurisdiction is triggered only if the trail is commercial, and depending on the size of the tract (or tracts) where the trail will be located*
- 3) Jurisdiction over trails may also be triggered if the proposed trail is considered to be a "material change" to an already existing Act 250 permitted project.*

*The Vermont Natural Resources Board and the Vermont Department of Forests, Parks and Recreation are seeking input concerning state regulation of trails, and we hope you will take the time to complete this brief survey. Your answers will be collated into a report to [The Commission on Act 250: the Next 50 Years](#) for consideration.*

**PLEASE RETURN THIS SURVEY NO LATER THAN 5 PM ON SEPTEMBER 17<sup>TH</sup>, 2018**

1. Please indicate your name, name of organization, and contact information (including email address).

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2. Is your entity a member of the Vermont Trails System?

**The Cross Vermont Trail Association was founded to help make real the vision of the Vermont Trails and Greenways Plan. The trails in our network are a part of the Vermont Trails System.**

3. Have you experienced any challenges in obtaining Act 250 permits for trails (please explain)? Please limit your response to personal experiences that you or your organization have experienced.

**In our experience, it appears that Act 250 was not designed to address the needs of permitting for trail networks. In brief, it certainly looks like Act 250 is set up to address significant physical development, by single parties, on discrete parcels controlled by the developer. By contrast, trail networks lie "lightly on the land", result from work of many different entities whose efforts coalign in a wide variety of ways, and touch on very large numbers of otherwise unrelated parcels each under separate ownership and control.**

**In any case, it is good to hear that you have a working group addressing the question of how to set up a permitting structure that is designed to apply efficiently and effectively to trail networks. We would be happy to participate more going forward. Please keep us informed as you proceed. [This applies to all questions below.]**

4. If you or your organization has been through the Act 250 process with respect to trails, please recommend any changes including, but not limited to the following topics:
  - a. How to make the process more efficient
  - b. How to make the process a better fit for the unique development aspects of trails
5. Are Act 250 jurisdictional triggers with respect to trails clear?
  - a. If not, how should the jurisdictional triggers be clarified?
6. What are the strengths of Act 250's regulation of trails?
7. How is Act 250 beneficial to the environmental quality of the state with respect to the regulation of trails?
8. Which [Act 250 criteria](#) are most relevant with respect to the regulation of trails (please explain)?
9. Which [Act 250 criteria](#) are least relevant with respect to the regulation of trail projects (please explain)?
10. Should all trail projects be exempt from Act 250 review? If so, what makes development of recreational trail projects different from other development that is subject to Act 250?
11. Should some trail projects be exempt from Act 250 review?
  - a. If yes, please explain which types of trail projects should be exempt, and why.
12. Do you have any recommendations for an alternative regulatory scheme for trail projects in the State of Vermont? Please share your thoughts.
  - a. Should trails be subject to some sort of "general permit"?
  - b. If so, what criteria should the general permit cover and how should terms of the general permit be enforced?
  - c. Do you have any ideas about a possible trail development oversight program managed under the Agency of Natural Resources? Please explain.